

App. F. IX-4

1927-8

File No. 32-27

Previous References

(R.A.)

Serial Nos. /

Regis 12-23-7

Later References

General and Revenue Secretariat.

Serial Nos. One

9236-E

Part B for March 1928.

SUBJECT

Empowering the Revenue Commissioner in Mysore to hear and decide all appeals to Govt. in connection with the elections to the Representative Assembly held in March 1927

- 1) To the Comptroller, Mysore District
Notified no. Rel 663 & 20. 3. 28.

Directs that, pending the revision of the rules, all appeals to Govt. from the orders of the Deputy Commissioners in election disputes relating to the Rep. Assembly, be decided by the Rev. Commissioner after giving the parties reasonable opportunities to be heard in person or through Counsel and that his decision shall be final.

Memo no. Rel 664 & 20. 3. 28

For copy to the Rev. Commr - with the pending cases,
26/6/28.

DEWAN'S MINUTE.
Special memo.
FILE No. 393

1927. 28.10.27

D. 399 + Cj.

Secy R.A.

Before deciding the election disputes, it seems desirable to give a hearing to the parties. There is a good deal of dissatisfaction now, so many representations have been made to me that the opportunity is given to them to state their case before the ^{final} authority.

MD
28-10-27

2) Post all these cases for hearing:

OF THE

3) 3 members

28/10/27
28/10

28/10

27.10.27

4) Suled for orders if the procedure for hearing appeals may be laid down.

5) Kind reference is invited to Rule 15 of the Council Rules (page 5) laying down the procedure in Rev. appeals. Similar procedure may perhaps be adopted for appeals in Election Cases.

(1) Secy 2-D)

7)

Draft the amendment of Rule 15 of Council Rules.
28/11

28 OCT 1927
No 3709

General and Revenue
Secretariat.

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of 192 .

Serial
No.

(9) Subd.

It has been ascertained from the Confidential Branch, that a G.O. making provision for the hearing of Appeals in Election Cases pertaining to the Representative Assembly should be issued in the first instance before amending the Council Rules ^{to above and} that the above rule will be automatically amended by the C.B. on the strength of the Govt order.

(10) Draft G.O. is therefore proposed for consideration or other orders.

B.M.
4-11-27.
Jb

(11) Are there any rules published for Revenue appeals referred to in the draft?

28
4/11

(12) Subd.

Kind attention is invited to Rule 102. B of the Rules under the Land Revenue Code (Page 38) laying down rules for the hearing of Revenue Appeals.

B.M.
5-11-27.

(13) Please type draft go. as revised & put up with draft amendments to the Rules

28
5/11

NOTE—Contn. sheet.

General and Revenue
Secretariat.

File No.

of 192

D-399

(3)

10.11.27

Serial
No.

(15)

Submitted with a typed copy of the Draft
G.O. and draft notification as directed.B.M.
9.11.27

(16)

Draft go. & notification
amending the rule as subd.
for consideration

leg d-d)

28/11

(17)

Drafts sent to the Govt. Secy

3rd time

28/11

28/11

C.B.
28/11

Dewan.

28/11

(18)

What is the procedure
in Madras or other British Provinces

The

27-11-27

28/11

28/11

(19)

Submitted.

(20)

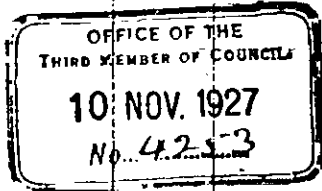
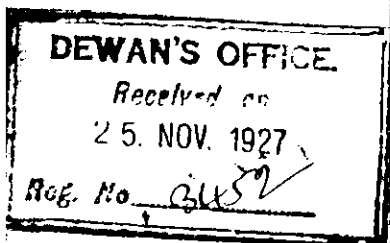
Election petitions are heard by
3 Commissioners, appointed by the Governor
for the purpose. And their report
shall be in writing and signed by them.
The report of the Commissioners is for-
warded to the Governor who will issue
orders in accordance with the report
report to the orders of the Governor shall
be final. An extract from

NOTE—Contr. sheet.

Flag H

(PP. 21 & 22 of the rules)

WD 2293—GPB—10,000—4-1-27



B.M.

28/11

New rule notified

6.11.27

Serial
No.

The Electoral rules of Madras & Bombay
is also put up

(21) Please
bring up with
the Madras Manual

8/12
opn

Mr. S. N. A.

8/12

78 B. (Under P21
78. F. for ext. rule.)

8/12/27 (22) In Madras and Bombay
three Commissioners appointed
by the Governor enquire into
election petitions. After enquiring
they submit a report to the
Governor who passes order.

(23) This order is final and no
appeal lies against that order.
vide Rule 45, page 179: Madras Manual
Rule 45 page 176: Bombay Manual.

(24) Since no appeal lies against
the order of the Governor,
there are no rules of the kind
under Contemplation in Madras
or Bombay.

See L.D.

8/12/27

(25) In British Indian Provinces especially
in Madras & Bombay, the provision made
for the ^{final} decision of doubtful disputes as
to the validity of an Election to the Local
Legislative Council is that the dis-
pute should be heard by three
Commissioners who are either Judges
of the High Court or qualified to be appointed

General and Revenue
Secretariat.

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Serial
No.

Judges of the High Court,

(26) These Commissioners submit a report to the Governor who has to pass orders in accordance with the report.

(27) It is thus seen that the final decision vests with the Commissioners of the Governor is not constituted an appellate authority in these matters.

(28) Legal practitioners are allowed to appear & conduct proceedings before the Commissioners.

(29) In Mysore a departure is made from the practice prevailing in British Provinces to suit local conditions.

(30) The procedure relating to the forum to hear appeals in the cases of disputes to make R. A. Elections is different from the forum to ~~hear appeals in the case of~~ ^{determine & decide} disputes in L. C. Elections.

(31) In the case of R. A., D.C. is constituted the authority to hear & decide the disputes. An appeal shall lie to Govt against the decision of D.C. & the order of Govt will be final. (vide page 89, Vol I of the law)

(32) The Court has jurisdiction to interfere in these matters.

(33) In the case of L. C. District Judge hears the disputes & his order will be final. Govt have not been vested ^{with} any power to interfere in such cases.

Serial
No.

(34)

The question under consideration is whether the appeal preferred against the decision of D.C. should be heard by the members of Council & decided after hearing the parties or their advocates or the appeal be disposed of by the Dewan ^{or a member} who is in charge of the portfolio without hearing the party or his advocate.

(35)

If the analogy of British Indian Council is taken into consideration the final authority to dispose of Election disputes ~~between~~ in respect of L.C., viz the Commissioners, hears the parties or their advocates before their reports is made to the Governor.

(36)

In the case of L.C.'s disputes in Mysore District Judge hears the parties & disposes of the dispute. His order is final.

(37)

The result of the present discussion leads to the conclusion that the final authority who passes the final orders, hears the parties or their advocates before the decision is arrived at.

(38)

Submitted with reference to para 18 Supra.

Dewan.

88

See 3rd para

14.12.27

(39)

Agree. It would perhaps be satisfactory if these cases are heard by two members of Council & decided.

188

17/12/27

OFFICE OF THE
THIRD MEMBER OF COUNCIL.
14 DEC. 1927
No. 5333

DEWAN'S OFFICE
NOTE - Contn. sheet.
Received
20 DEC. 1927
Reg No. 4000

399.

7
App. E. III-2]

General and Revenue
Secretariat.

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No.

(40) May have in his case.

(41) But I wonder are inclined to think
that the ^{appeals in election disputes} ~~provisional~~ ^{with regard}
~~this settlement of disputes in connection~~
~~with Rules~~ need not be allowed to come
up to Gov. ^{at all} for final decision - It is
more a lot of work of a more or less
trial nature - when similar disputes
relating to R.C. are decided - & a
D.J. I feel that the R.C. may
perhaps be called to this final
authority in regard to the R.C.
cases. ^{proposed}

(42) This matter may be considered
in Council.

Im
21-12-27

Chief Secy
with Compt¹⁵

8th
27.12

OFFICE OF THE SECRETARY
NOTE - Contn. sheet.
REV. S. M. A.
5 JAN. 1928
LEGISLATIVE COUNCIL

WD 0321-GPB-60,000-24-5-27

5/1 ^{at} list of ^(2, 2) (PP 23-24 of the rule.)

399.

8

App. F. III-2]

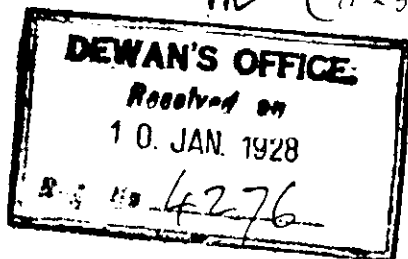
General and Revenue
Secretariat.

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No.

(in rule)



43) Submitted with a statement showing the appeals pending the decision of Govt. on the general procedure.

8p
5/1

Secy d-D)

2
6/1Chief Secy
with Compt.8p
6/1
18
7/1

(44) The pending cases may perhaps be heard & disposed of by two of the members of Council like Council cases, as ordered by the Dewan pending the decision of the General question raised by the Dewan.

Dewan.

8p
9-1

46

M. A. S. Mr. A. S. S. S.

Council

No

10-1-28

47)

Chief Secy
with Compt.

48) C. B. A. S. S. S.
is 11/1

NOTE--Contn. sheet

Returned by The Chief
Secretary ^{today} with instructions

That the present pending cases
may be disposed of according
to the Dewan's orders in the
file. And that it would
take some time for the
general question to be decided.

(45) Submitted for ^{information &} orders.

9/1/28

~~The Secretary~~

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record]

Committed

I believe this is for
informal consideration in
Council. The circulation
has been marked for disposal
by circulation.
as of 1-1-28

checked
with complete

N. B. — Should routine notes be written on small slips,
the notes must be copied, or slips pasted on
this form.

informal Consideration
(For Disposal by Circulation)

9

(10)

No. C. 235

.....1912-28

GENERAL AND REVENUE SECRETARIAT.

COUNCIL MATTER.

SUBJECT.

Procedure to be adopted in hearing appeal
petitions about elections to the Representative Assembly.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

Mead Laveau

17th January 1928.

Chief Secretary to Government.

Extraordinary Member of Council.

First Member of Council.

21/1/28

Second Member of Council.

21/1/28

Third Member of Council.

WD 2670-GPB-1,000-11-5-17

20/1/28

5795
20/1

3976
21.1

839
18/1

(A)

Procedure to be adopted in hearing
appeal petitions about elections
to the Representative Assembly.

...

Under rule 6 of the Rules issued with Notfn. No.P.2400/Leg.12-23-7 dated 7th Novr. 1923 regarding the decision of doubts and disputes about the validity of elections to the R. A., an appeal lies to Govt. against the decision of the Dy. Commr. The Dy. Commr. should also submit the records to Govt. for orders when he doubts the validity of an election though his enquiry into the case does not establish the objections alleged.

There are at present no rules about the procedure to be adopted in hearing such appeals or cases referred by the Dy. Commr. to Govt.

The Dewan has suggested in his Memo dated 28-10-27 that it is desirable to give a hearing to the parties before deciding election disputes.

The practice in hearing such cases in the British Provinces has been noted upon in paras 19 to 38 of the notes in the file.

The Third Member (Mr.C.S.Balasundaram Iyer) is of opinion that it would be satisfactory if these cases are heard by two Members of Council and decided after giving due notice to the parties con-

cerned. (Members minutes D/17.12.27)

The Dewan agrees with the above view as regards appeals already pending before Govt. He, however, considers that in future such disputes need not be allowed to come up to Govt. at all for decision, and that the Rev. Comr. may be constituted as the final authority in regard to the R.A. cases.

The Dewan has also ordered that the question may be talked over informally in Council.

399
K.A.L.C. 9

(13)
235

Subject:-

Procedure to be adopted in hearing
appeal petitions about elections to the
Representative Assembly. (For informal
consideration in Council.)

OPINION OF THE COUNCIL.

49) The matter may be referred
to the Rule committee. (2) The opinion
of the Chief Court may be obtained
on the proposal to extend District Judges
to the disposal of disputes in R.A.
elections.

new

6/2

50) Secy, R.A. with temp/h.

new

7/2

51

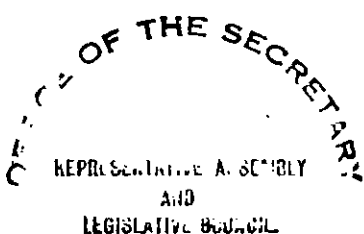
7/2

2

51) Please note what action has been taken
on pending cases mentioned in last
flushed M.

new

7/2



136
399:

(14)

10

App. F. III-2]

General and Revenue
Secretariat.

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No.

Submd.

554 not clear.
Do 86's order
87 and?

6745
17/2 17/2

52)

No action could be taken
on the pending cases referred to
in view of the rules contained in
paragraphs 45 & 46 above.

88
7/2

53 This function will be
brought up for consideration
by the Rules Committee in due
course.

Chairman,
Rules Committee)

17/2

55 D. C. orders are under appeal to
Govt under the existing rules.

These appeals are to be disposed of on

1st mem.

6830
18/2

56) I think we have to
change the rule
Send cases to R.C.
to see what
the idea?

19/2
88
20/2

57) Kind reference is invited to
the opinion of the Council on
the previous page and also
further instructions solicited -

58) 1st mem.

WMS RA
88
20/2

NOTE-Contn. sheet.

6904
21/2

399

(15)

App. F. III-2]

General and Revenue
Secretariat.

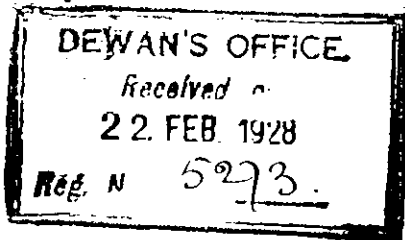
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No.

59)

The cases now pending may, I
think, be transferred to R.C.
for disposal, the rule being
changed accordingly. Final decision
may be taken after recomⁿ of
Rules Committee is recd
Please inform to DC



60)

Dewan.

$$\frac{100}{22/2}$$

$$\frac{81}{24/2}$$

61) I have no objection - but -

I am not sure of the Mr
rule it self appears to 22-2-28
Govt. under the rule

is changed & the rule is

as per rule put in the

Gazette. It seems best to

62) 1st. Number)

$$\frac{12}{24/2}$$

$$\frac{6953}{23/2}$$

63) Please take action

$$\frac{100}{23/2}$$

64)

65) 2 Drafts submitted for approval

$$\frac{24}{2}$$

$$\frac{25}{2}$$

Mr. S. N. A.

NOTE—Contn. sheet.

399

12 (16)
App. F. III-2]

General and Revenue
Secretariat.

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No.

66. Kind reference is invited to paragraph 49 of the notes on page 9. Two drafts, one a G.O. + the other a notice, were put up. It is for order whether the matter should not go before the Rules Committee and whether the opinion of the Chief Court should not be obtained.

67. Further, whether any provision should not be made for the hearing of parties by the appellate authority, and for the consideration of review petitions, is for kind order.

68. A draft G.O. + a draft notice in accordance with para 61 are subd.

29/2

69. The two drafts previously appd by the 3rd Member, regarding notice of hearing being given to parties and the parties or their advocates being heard in such cases are also ~~forwarded~~ in the file. These amendments are also embodied in the drafts now subd.

29/2

70. Two drafts are submitted. There is one aspect of the case to be considered. The question whether Govt should have power of revision in cases decided by R.C on appeal requires consideration.

NOTE—Contn. sheet

Fair drafts
submd.

29/2 ✓

Fair drafts
G.O. + notice
before subd.

General and Revenue
Secretariat.

File No.

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No.

71) In Revenue cases an appeal shall lie to Govt on a point of law against the decision of R. C even in Second appeal.

In all civil or criminal cases, Chief Court has extraordinary powers of revision.

It is no doubt true that the decision of a St Judge is made final in cases of disputes regarding election to L.C.

As regards election to R. A, the enquiry is held by an executive officer not by a judicial officer -

72) According to existing rules Govt's decision is made final.

73) Having regard to the important questions of law & fact arising in election disputes & to the strained feeling existing between political parties in the country, it is a question for consideration whether it is expedient or desirable even in the interest of both the public & the Govt to attach finality to the decision of the R. C.

The public may agitate in the matter & Govt may also find themselves powerless to interfere with the decision even when they find the decision of R. C to be subversive of natural justice.

NOTE—Contn. sheet.

9399

14

(16)

App. F. III-2]

General and Revenue
Secretariat.

File No.

of 192 .

Serial
No.

DEWAN'S OFFICE
Received on
8 - MAR. 1928
Reg. No. 5582

In my humble opinion it seems desirable that Govt should reserve to themselves the power of revision to ~~interfere~~ call for the proceedings of such cases either on its own motion or at the instance of the party & examine the records & pass such orders as it deems fit. It is generally accepted principle that in the exercise of revisional powers Courts or Govt will not interfere in findings based on pure questions of fact & will only interfere when there is any violation of law or natural justice.

74) If my view be accepted, a rule similar to one found in Income-tax & other Regulations will be drafted & submitted.

Dewan

Thos 3rd time

88
1.3.28
m

OFFICE OF THE
THIRD MEMBER OF COUNCIL
2 MAR. 1928
No. 4142

75) In these election disputes it is desirable to reach finality early. The constitutions for the RA are smaller than for the L.R & the issues raised are mostly issues of fact. I would make the decision after the final, assuming of course that both parties & their witnesses are heard & can be represented by counsel.

csx
93
81
1.3

NOTE—Contn. sheet.

76) I agree with
the mem. b. -
9-3-28

86
10/3
Notes 4/10/28
Draft
14/5

WD 0321-GPL-60,000-21-5-27

Dewan

General and Revenue
Secretariat.

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Serial
No.

78) Drafts Submitted

12/3
8/3
13/3

79) Orders are necessary
regarding pending cases. These
cases are pending for a long time.

Decy)

14/3

80) Orders are already passed
by the Dewan, vide para 61-

Draft the rule

8/3
14.3.
2

81) Draft which order
may perhaps be aff'd for
the present.

82) The rule Committee have
proposed some important
changes. D.J. has been
recommended to hear all
their disputes & an appeal be
ch. at on a point of law only
is recommended.

As the appeals are pending
before the Govt for a long
time, R.C. may be empowered
by the rules to hear these appeals
agreed to by the Dewan -

3rd mem.

8/3

15/3

C8/3

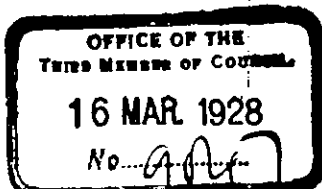
16/3/28

8/3

16/3/28

Received
5 Dec
12/14/3
14/3

Vide para 61 supra



NOTE - Contn. sheet

should be sent to Asst. Secy for action
as to whether the
note should come
first and file referred
to 3^d member
afterwards, or
whether the draft
should come after
submit. to member.

19/3 please see
above as ordered
by Secy return
submit to
member.
19/3

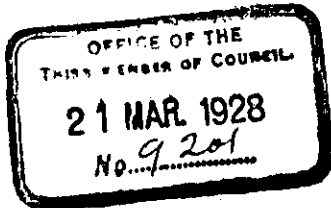
399
RA/LC

(26)
App. F. H-2]

General and Revenue
Secretariat.

File No. 32 of 1927.

Serial
No.



83) 2 draft notes. is subd.

84) There are ^{three} cases in which
but having dismissed the appeals
review petitions have been filed.
Orders are necessary as to the disposal
of these two cases.

Issued N^o. Del 663 D/20.3.28

Memo N^o. RA 32-27-1
Del 664 D/20.3.28
to Rev. comr.

Secy)

17/3
85 appd. Issue.

86
19.3

86 A. These have to be sent to R.C.
for disposal as Govt. cases
to have any priority after
this is issued.

30 March

87
14.3

I do not think it
will be proper to send to
RC for review cases in which just have
passed orders - These had better be dealt with
here -

* These cases
may now be
submitted.

27/3

Mr. SNA

27/3

Filed

28/3 - 3/8/28

File submitted

These three cases have been separately
put up for orders.

29/3

This may be filed if approved.

29/3

30/3

NOTE—Contn. sheet

File B

WD 0324—GPB—60,000—24.5.27
30/3

Extract from P. 176 of Bombay Legis. Council Rules,
2 P 179 of the Madras Legis. Council Rules,
Madras & Bombay Electoral Rules, (21)

Report of
the Commissioners
and procedure
thereon.

45(1) At the conclusion of
the inquiry, the Commissioner
shall report whether the
returned candidate or
any other party to the
petition who has under
the provisions of these rules
claimed the seat has been
duly elected, and in
so reporting shall have
regard to the provisions of
rule 44.

(2) The report shall further
include a recommendation
by the Commissioner as
to the total amount of
costs which are payable
and the persons by and to
whom ~~the~~ such costs
should be paid. Such re-
- commendation may include
for the payment of costs
to the Advocate-General or
a person acting under his
instructions, attending in pursuance
of an order made under Rule
43.

(3) The report shall be in
writing and shall be signed
by all the Commissioners. The
Commissioners shall forthwith
forward their report to the
Governor, who on receipt
thereof shall issue orders
in accordance with the

Report and publish the
report in the Gazette and
the orders of the Governor
shall be final.

(22)

(23)

- (P. J. C)

8) Mr. V. Bhadrappa }
Mendavathi Chikpet } 73
Bhargalene cets
(For Kottajera Rural
constituency)

(24)
Mr. H. S. Gundappa }
(Kottajera) }
2) Mr. G. Ramiah }
(Kottajera) }
(Review)

Ordered by the Chief Secretary

that an extract of the Dewan's order
in the file
re. hearing of appeals ^{of the R.A.} by Govt. may
be sent to the Criminal Section for
~~the~~ the general question being
sorted up.

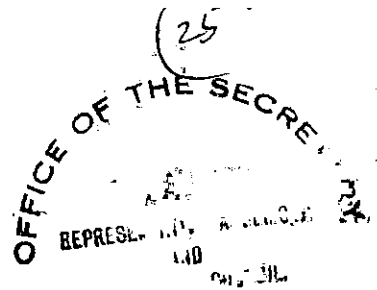
9-11-28
11/1

C/S
m
11/1

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

D 136.



A copy of the notes in
this file Re: procedure
for hearing R.A. appeal
cases is put up for
being forwarded to the
Council Section for
action of necessary
action.

8/1/28 Ser d. D) 8/1
Chief Sec.
with Compl's. 8/1

OK.
12 JUL 1928

v B.—Should routine notes be written on small slips,
the notes must be copied, or slips pasted on
this form.

Copy of notes in file Re: Procedure
for hearing R.A. appeal cases,
(26)

(25) In British Indian Provinces
especially in Madras &
Bombay, the provision
made for the final decision
of doubts & disputes as to
the validity of an election
to the Local Legislative
Council is that the dispute
should be heard by three
Commissioners who are
either Judges of the High
Court or qualified to be
appointed Judges of the
High Court.

26. These Commissioners
submit a report to the
Governor who has to
pass orders in accordance
with the report.

27. It is thus seen that the
final decision rests
with the Commissioners.

And the ~~Governor~~ ⁽²⁷⁾ is
not constituted an
Appellate Authority
in these matters.

18. Legal practitioners
are allowed to appear
& conduct proceedings
before the Commissioners

29. In Mysore, a departure
is made from the
practice prevailing in
British Provinces to suit
local conditions.

10. The procedure relating
to the former to hear
appeals in the cases
of disputes to R. A. election
is different from the
former to determine and
decide disputes to L. C.
elections.

31. In the case of R. A.,
D. C. is constituted

(28)
The authority to hear and
decide these disputes.
An appeal shall lie
to Government against
the decision of D.C. &
the order of Government
will be final. (vide
page 89, Vol I of the
Manual)

32. ~~The~~ No court has juris-
- diction to interfere in
these matters.

33. In the case of D.C.
District Judge hears
the disputes and his
order will be final.

Government have not
been vested with any
power to interfere in
such cases.

34. The question under Condi-
- tion is whether the
Appeal will be preferred
against the decision of
D.C. Should be heard by
the Members of Council &
decided after hearing

the parties or their —

29

Advocates or the appeal
be disposed of by the

Dewan or a member
who is in charge of the

Portfolio without hearing
the party or his advocates.

35. If the analogy of the
British Indian Provinces
is taken into consideration

the final authority to dispose
of election disputes in
respect of L.C. ^{the} Com-
- ~~munication~~ Missioners.

hear the parties or their
advocates before their
report is made to the
Governor.

36. In the case of L.C's
disputes in Mysore District
Judge hears the parties
and disposes of the dispute.
His order is final.

37 The result of the
present discussion

(30)
leads to the conclusion
that the authorities who
passer the final verdict,
hears the parties or
their advocates before
the decision is arrived
at.

38. Submitted with
reference to para 18 supra

Dewan (JTS) B.N.
14.12.27
through 3rd Member

39. I agree. It would per-
haps be satisfactory if
these cases are heard by
two members of Council
& decided.

(JTS) C.S.B.
17/12/27.

40 May be done in this case.

41 But I am inclined to
think that the present
rule with regard
to the settlement of
disputes in connection
with P.A. elections
need not be altered.

to come up to Government.
for final decision.

It would mean a lot.

of work of a more
or less trivial nature—

When similar disputes
of relating to L.C. are
decided by a D.J. I
feel that the R.C. Mag.
perhaps be constituted
the final authority in
regard to the R.C. cases.

42. This proposal may
be considered in Council.

(In H) Mnd.
- 24/12/27

Not issued

2 Drafts.

(1)

Proceedings of the Government of H.H. the
Maharaja of Mysore.

G.O.No. Dated 192 .

Under rule 6 of the rules issued with Notification No. P.2400/Legis.12-23-7 dated 7-11-23 regarding the decision of doubts and disputes as to the validity of any election to the Representative Assembly, an appeal shall lie to Govt. against the decision of the Deputy Commissioner and the order of Govt. ^{is} ~~will be~~ final and when the enquiry does not establish the objections alleged, but the Deputy Commr. doubts the validity of elections, the records together with his opinion ^{are} ~~will be~~ submitted for orders of Govt.

There is no rule providing for the hearing of the parties by Govt. in such cases, Representations have been made that parties should be heard before orders are passed by Govt. Govt. are pleased to direct that in future, such cases be posted for hearing, due notice of the date thereof being given to the parties to appear in person or by their advocates.

Necessary amendments to the rules will be issued.

[Signature]
9/11

[Signature]

Secy. to Govt.,
Law Dept.

The Secy., R.A. & L.C.
" Chief Secy. to Govt.
" Dy. Commrs. of Dts.
" Compiler, Mysore Gazette.

Not issued

2 drafts

(2)

Notification.

In exercise of the powers vested in them under Section 6 (2) (f) of the Mysore Representative Assembly Regulation XVIII of 1923, the Govt. of His Highness the Maharaja are pleased to direct that rule 6 of the rules published with Notification No. P.2400/Legis.12-23-7 dated 7-11-23 regarding the decision of doubts and disputes as to the validity of any election to the Representative Assembly shall be amended as follows:-

In rule 6, insert the following as clause (c):

"(c) Appeals which lie to Government under ^{clause} ~~rule 6~~ (a) supra and cases in which records are submitted for orders of Government under clause (d) supra, shall be posted for hearing, due notice of the date thereof being given to parties to appear in person or by their advocates."

By order,

⁸
16/11

⁸
Secy. to Govt.,
Law Dept.

The Compiler, Mysore Gazette.

NA- issued

(4)

Proceedings of the Government of His
Highness the Maharaja of Mysore.

Order No. Dated Bangalore 28th Feby. '28

* p. 89. R A & C.
manual. Vol. I.

Under Rule 6 of the Rules issued -
with Notification No. P.2400/Legis.12-23-7
dated 7th November 1923 regarding the ~~max~~
decision of doubts and disputes as ~~the~~ to
the validity of any election to the -
Representative Assembly, an appeal lies
to Government against the decision of the
Deputy Commissioner and the order of -
Government is final, and when the enquiry
made by the Deputy Commissioner for -
arriving at a decision does not clearly
establish the objections alleged, but
the validity of elections is ^{doubted} ~~not understood~~
~~all other~~ ^{the} records together with
his opinion ^{are} required to be submitted for
orders of Government. Government con-
sider that a final decision of such -
doubts and disputes may well be left to
an officer of the rank of the Head of
a Department and are accordingly pleased
to direct that until further orders such
cases shall be decided by the Revenue -

Commissioner *after giving him the opportunity to be heard in person or through counsel.*

2. The cases under the rule refer-
red to above now pending before Government
will also be transferred to the Revenue -
Commissioner for disposal.

3. Necessary notification accordingly to be issued as indicated above.

Secretary to Government,
Law Department.

To

The Secretary, Representative-
Assembly

P.T.O.

2.

(54)

Assembly and Legislative Council.
The Revenue Commissioner in Mysore,
The Deputy Commissioners of Districts,
The Compiler, Mysore Gazette.
Copy to Press Table.

Not issued

Government of His Highness the
Maharaja of Mysore.

(45)

No. Dated Bangalore 28th February '28.

NOTIFICATION.

In exercise of the powers vested in them under Section 6 (2) (f) of the -
Mysore Representative Assembly Regula-
tion, XVIII of 1923, the Government of
His Highness the Maharaja are pleased
to direct that in Sub-rules (a) and (b)
of rule 6 of the rules published with
notification No.P.2400/Legis.12-23-7 -
dated 7-11-23 regarding the decision
of doubts and disputes as to the validity
of elections to the Representative -
Assembly, for the word "Government" -
~~whenever~~ wherever it occurs the words
"The Revenue Commissioner" shall be sub-
stituted ~~and that further direct that~~ if ~~that~~ cases of such doubts
and disputes now pending before Govern-
ment shall also be decided by the -
Revenue Commissioner in accordance
with the procedure herein prescribed.

* p. 7. R A vdc.
manual. Vol. I

* p. 89 R A vdc.
manual vol. I.

and that after sub-rule
(b) a new sub-rule (b)
be inserted, namely,
"(b) In all such
cases the Revenue
Commissioner shall have the opportunity
to be ~~heard~~ ^{heard} in person
or ~~by~~ ^{through} counsel.

By Order,

M Secretary to Government,
Law Department.

To

The Compiler, Mysore Gazette for
publication in the Gazette with
a request to supply 200 copies
of the Notification.

In exercise of the power vested in them under Section 6 (2) (f) of the Mysore Representative Assembly Regulation, Govt. are pleased to direct in modification of the provision in Rule 6 (a) of the Rules issued with Notification No. P 2400 / Leg 12-23-7 dated 7th November 1923, for appeals to Government from the orders of the Deputy Commissioners^{in Election Disputes}, that pending the revision of these Rules, all such appeals in connection with the last general elections^{to an Assem. Assembly} be decided by the Revenue Commissioner after giving the parties reasonable opportunity to be heard in person or through Counsel, and that his decision shall be final.

Secretary to Govt.,
Law Deptt.

To the Compiler, Mysore Gazette,
for publication in the Gazette, with
a request to supply 200 spare
copies.

Memo. Rel 664

Copy forwarded to the Law Comm. in
Mysore with ~~reference~~^{the} pending cases
for favour of disposal in accordance
with the above notification.

B.O.

For Secy to Govt
Law Deptt.